

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 5, 13 and 14 are amended without prejudice or disclaimer.

Rejection of Claims 1, 3-8, 13-14, 16, 21 and 24-28 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1, 3-8, 13-14, 16, 21 and 24-28 under 35 U.S.C. §103(a) as being unpatentable over Gong (U.S. Patent No. 6,418,411) ("Gong") in view of Sejnoha (U.S. Patent No. 5,008,941) ("Sejnoha") and further in view of Cannelli et al. (U.S. Patent No. 5,072,415) ("Cannelli et al."). Applicants have amended claims 1, 5 and 13 to overcome the rejection. Applicants note that the amendments are made without prejudice or disclaimer.

Prior to discussing the amendments to the claims, Applicants traverse the rejection based on the combination of Gong, Sejnoha and Cannelli et al. Applicants note that Cannelli et al. teach a method and microprocessor-based apparatus that measures the noise using a "nuance index". The nuance index applies to physical parameters which include the average level of noise as well as a fluctuation level of noise. As is noted in the title of Cannelli et al., their apparatus relates to the evaluation of environmental noise pollution. It is clear throughout this reference that the environmental noise pollution is clearly in a context of very loud sounds such that there is even a physical difficulty in measuring such noise. See column 1, lines 19-21. Other information also certainly teaches one of skill in the art that the context of their invention focuses on loud "noise pollution." For example, Cannelli et al. comment on the psychological factors associated with nuance noise. Column 1, lines 25-29. In contrast, Gong and Sejnoha each relate to speech recognition and while there is a component associated with background noise, for example in Gong Figure 1, feature 19. Applicants respectfully traverse the Examiner's

analysis in which the Office Action asserts that Gong, Sejnoha and Canelli et al. are "analogous" art inasmuch as they are in a similar field of endeavor in noise estimation.

Applicants submit that Canelli et al. is not analogous to Gong and Sejnoha inasmuch as that reference is in a different field of endeavor related to environmental noise pollution, whereas Gong and Sejnoha relate to speech recognition. While generically each of these references do relate to noise, they nevertheless are sufficiently different so as to be non-analogous. MPEP 2141.01(a) discusses analogous and non-analogous references in the field of the electrical arts. The example case cited is the Wang Laboratoires, Inc. vs Toshiba Corp., 1993 F.2d 858, 26 USPQ 2d 1767(f) Fed. Cir. 1993. In Wang, the two cited references each teach single in-line memory modules (SIMMs). One SIMM is for installation on a circuit board and the SIMM of the other prior art reference is for large industrial machine controllers in another reference. The Federal Circuit found that these references were not analogous although they both related to memory modules and more particularly to SIMMs. Applying this principle to the present case, Applicants assert that although both these references relate to noise, Canelli et al.'s reference to environmental noise pollution is similar to the prior art reference in Wang where the SIMM applied to an industrial controller. The SIMM that is for installation in a printed circuit mother board for use in personal computers is more applicable to Gong and Sejnoha's form in speech recognition. Therefore, just as the Federal Circuit held that two prior art SIMM-related references as non-analogous, the Examiner in the present case should find Canelli et al. non-analogous to Gong and Sejnoha. Accordingly, Applicants respectfully submit that because these references are non-analogous that one of skill in the art would not have sufficient motivation or suggestion to combine these references and accordingly, claims 1, 3-8, 13-14, 16, 21 and 24-28 are patentable and in condition for allowance.

In addition to the arguments set forth above, Applicants have amended the independent claims to recite the step of translating the voice request into an HTTP protocol request and generating a response to the voice request based on information from a database based on the HTTP protocol request. Applicants note that support for this limitation is found in the specification on page 5 and thus no new matter is added. Inasmuch as Sejnoha and Gong, even if combined with Canelli et al., fail to teach translating such a voice request into an HTTP protocol request and further the step of generating a response to the voice request based on information from a database based on the HTTP protocol request. Applicants respectfully submit that the present claim set is now patentable and in condition for allowance.

CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Law Office of Thomas M. Isaacson, LLC, Account No. 50-2960** for any deficiency or overpayment.

Respectfully submitted,

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By: _____

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